

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
ENTERTAINMENT MEDIA TRUST,	)	MB Docket No. 19-156
DENNIS J. WATKINS, TRUSTEE	)	
	)	
Applications to Renew License:	)	
	)	
KFTK(AM) (formerly WQQX(AM)), East St.	)	Facility ID No. 72815
Louis, Illinois	)	File No: BR-20120709ACP
	)	
WQQW(AM), Highland, Illinois	)	Facility ID No. 90598
	)	File No. BR-20120709AC0
	)	
KZQZ(AM), St. Louis, Missouri	)	Facility ID No. 72391
	)	File No. BR-20120921AAW
	)	
KQQZ(AM), DeSoto, Missouri	)	Facility ID No. 5281
	)	File No. BR-20120921ABA
	)	
Application for Consent to Assignment of	)	
Licenses:	)	
	)	
KFTK(AM) (formerly WQQX(AM)), East St.	)	Facility ID No. 72815
Louis, Illinois	)	File No: BAL-20160919ADH
	)	
WQQW(AM), Highland, Illinois	)	Facility ID No. 90598
	)	File No. BAL-20160919ADI
	)	
KZQZ(AM), St. Louis, Missouri	)	Facility ID No. 72391
	)	File No. BAL-20160919ADJ
	)	
KQQZ(AM), DeSoto, Missouri	)	Facility ID No. 5281
	)	File No. BAL-0160919ADK
	)	
Application for Permit to Construct New	)	Facility ID No. 200438
Station:	)	File Nos. BNPFT-20170726AEF
	)	BNPFT-20180314AAO
W275CS, Highland, Illinois	)	

To: Entertainment Media Trust, Dennis Watkins, Trustee

## **ENFORCEMENT BUREAU'S OBJECTIONS AND RESPONSES TO EMT'S REQUEST FOR ADMISSIONS**

The Enforcement Bureau (Bureau), pursuant to section 1.246(b) of the Commission's rules, 47 CFR § 1.246(b), hereby submits its Objections and Responses to the document entitled Request for Admissions filed by Entertainment Media Trust, Dennis Watkins, Trustee (EMT) on July 16, 2019 (EMT's Requests).

### **GENERAL STATEMENT**

EMT's Requests fail to comply with section 1.246(a) of the Commission's rules (Rules), 47 CFR § 1.246(a), to the extent they seek requests for admissions from the Commission's Media Bureau. The Media Bureau is not a party to the above-captioned hearing proceeding. As a result, to the extent EMT's Requests include requests for admissions from the Media Bureau, they are improper.

### **GENERAL OBJECTIONS**

1. The Bureau objects to EMT's Requests to the extent they fail to comply with section 1.246(a) of the Rules. *See* 47 CFR § 1.246(a). Section 1.246 states that "[w]ithin 20 days after the time for filing a notice of appearance has expired . . . a party may serve upon another party a written request for the admission by the latter of the genuineness of any relevant documents . . . or the truth of any relevant matters of fact set forth in the request." *Id.* Thus, section 1.246 contemplates that a party may only serve requests for admissions on another party. EMT's Requests are not directed solely to the Bureau. They are also collectively directed to the Commission's Media Bureau, which is not a party to the above-captioned hearing proceeding.

2. The Bureau objects to EMT's Requests to the extent they seek information unrelated to the subject matter of the HDO or otherwise irrelevant to the designated issues in this proceeding.

3. The Bureau objects to EMT's Requests to the extent they seek legal conclusions.
4. The Bureau objects to EMT's Requests to the extent they seek admissions as to the genuineness of documents that are maintained as part of the Commission's public record.
5. The Bureau objects to EMT's Requests to the extent they seek admissions as to the genuineness of documents that were prepared and/or submitted by EMT.

### **THE BUREAU'S SPECIFIC OBJECTIONS AND RESPONSE**

**Request No. 1.** The document included as Attachment A hereto is a true, complete and correct copy of a series of email communications between (a) members of the Media Bureau staff and (b) Anthony Lepore, counsel for EMT, relative to the Application for Consent to the Assignment of Broadcast Station License for Facility ID #5281, File No. BAL-20090925ABD.

**The Bureau's Specific Objections and Response to Request No. 1.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 1 as vague and ambiguous as to whether it seeks an admission from the Bureau, the Media Bureau, or both. The Bureau objects to EMT's Request No. 1 to the extent it seeks the admission of the genuineness of documents exchanged between EMT's counsel and an entity other than the Bureau. The Bureau objects to EMT's Request No. 1 as vague and ambiguous because it is unclear whether EMT seeks an admission that the documents included as Attachment A constitute all of the email communications between Media Bureau staff and Mr. Lepore referring or relating to the Application for Consent to the Assignment of Broadcast Station License for Facility ID #5281, File No. BAL-20090925ABD. The Bureau objects to EMT's Request No. 1 as vague and ambiguous in its use of the terms "members of the Media Bureau" and "relative to." Subject to and without waiving these objections, the Bureau responds that it has insufficient information to either admit or deny EMT's Request No. 1 and therefore denies this Request. In addition, subject to and without waiving these objections, the Bureau further

denies this Request because the email included in Attachment A dated November 5, 2009 from Anthony Lepore at 10:32AM appears to have included an attachment consisting of the Trust Document for Entertainment Media Trust that is not contained in Attachment A.

**Request No. 2.** The document included as Attachment B hereto is a true, complete and correct copy of the Application for Consent to the Assignment of Broadcast Station License, and the exhibits thereto, for Facility ID #5281, File No. BAL-20090925ABD filed with the Commission via the Consolidated Licensing Database System ("CDBS") as of November 5, 2009, the date on which the application was last amended.

**The Bureau's Specific Objections and Response to Request No. 2.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 2 as vague and ambiguous as to whether it seeks an admission from the Bureau, the Media Bureau, or both. The Bureau objects to EMT's Request No. 2 to the extent it seeks a legal conclusion. The Bureau objects to EMT's Request No. 2 to the extent it seeks an admission as to the genuineness of documents that are maintained as part of the Commission's public record. Subject to and without waiving these objections, the Bureau admits that the Application for Consent to the Assignment of Broadcast Station License, and the exhibits thereto, for Facility ID #5281, File No. BAL-20090925ABD maintained by the Commission on CDBS is subject to official notice.

**Request No. 3.** The Commission granted consent without material conditions to the assignment of the KQQZ, Facility ID #5281, license to EMT on November 16, 2009, as reflected in the document included as Attachment C.

**The Bureau's Specific Objections and Response to Request No. 3.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 3 as vague and ambiguous as to whether it seeks an admission from the Bureau, the

Media Bureau, or both. The Bureau objects to EMT's Request No. 3 to the extent it seeks a legal conclusion. As to the factual assertion of what is stated or contained in Attachment C, the document speaks for itself and is subject to official notice. The legal conclusion to be derived from those statements is a matter to be argued by counsel for the parties and ultimately decided by the Presiding Judge, the Commission and/or any reviewing courts. Subject to and without waiving these objections, the Bureau responds that it has insufficient information to either admit or deny EMT's Request No. 3 and therefore denies this Request.

**Request No. 4.** The document included as Attachment D hereto is a true, complete and correct copy of a series of e-mail communications, dated November 4-17, 2009, between (a) members of the Media Bureau staff and (b) Mr. Lepore relative to the Application for Consent to the Assignment of Broadcast Station License for Facility ID #72815, File No. BAL-20091103ABM.

**The Bureau's Specific Objections and Response to Request No. 4.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 4 as vague and ambiguous as to whether it seeks an admission from the Bureau, the Media Bureau, or both. The Bureau objects to EMT's Request No. 4 to the extent it seeks the admission of the genuineness of documents exchanged between EMT's counsel and an entity other than the Bureau. The Bureau objects to EMT's Request No. 4 as vague and ambiguous because it is unclear whether EMT seeks an admission that the documents included as Attachment D constitute all of the email communications between Media Bureau staff and Mr. Lepore referring or relating to the Application for Consent to the Assignment of Broadcast Station License for Facility ID #72815 dated November 4-17, 2009. The Bureau objects to EMT's Request No. 4 as vague and ambiguous in its use of the terms "members of the Media Bureau staff" and "relative to." Subject to and without waiving these objections, the Bureau responds that it has insufficient information to either admit or deny EMT's Request No. 4 and therefore

denies this Request. In addition, subject to and without waiving these objections, the Bureau further denies this Request because Attachment D consists of only a single email dated December 29, 2009.

**Request No. 5.** The document included as Attachment E hereto is a true, complete and correct copy of the Application for Consent to the Assignment of Broadcast Station License, and the exhibits thereto, for Facility ID #72815, File No. BAL-20091103ABM, filed with the FCC via CDBS as of December 29, 2009, the date on which the application was last amended.

**The Bureau's Specific Objections and Response to Request No. 5.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 5 as vague and ambiguous as to whether it seeks an admission from the Bureau, the Media Bureau, or both. The Bureau objects to EMT's Request No. 5 to the extent it seeks a legal conclusion. The Bureau objects to EMT's Request No. 5 to the extent it seeks an admission as to the genuineness of documents that are maintained as part of the Commission's public record. Subject to and without waiving these objections, the Bureau admits that the Application for Consent to the Assignment of Broadcast Station License, and the exhibits thereto, for Facility ID #72815, File No. BAL-20091103ABM, maintained by the Commission on CDBS is subject to official notice.

**Request No. 6.** The Commission granted consent without material conditions to the assignment of the KFTK (formerly WFFX and WQQX), Facility ID #5281, license to EMT on January 6, 2010, as reflected in the document included as Attachment F.

**The Bureau's Specific Objections and Response to Request No. 6.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 6 as vague and ambiguous as to whether it is directed to the Bureau, to the Media Bureau, or both. The Bureau objects to EMT's Request No. 6 as vague and ambiguous to the

extent it seeks an admission concerning KFTK (formerly WFFX and WQQX), Facility ID #5281. The Bureau objects to EMT's Request No. 6 to the extent it seeks a legal conclusion. As to the factual assertion of what is stated or contained in Attachment F, the document speaks for itself and is subject to official notice. The legal conclusion to be derived from those statements is a matter to be argued by counsel for the parties and ultimately decided by the Presiding Judge, the Commission and/or any reviewing courts. Subject to and without waiving these objections, the Bureau responds that it has insufficient information to either admit or deny EMT's Request No. 6 and therefore denies this Request.

**Request No. 7.** The document included at Attachment G is a true, complete and correct copy of the Enforcement Bureau's Notice of Apparent Liability for Forfeiture, File No. EB-10-KC-0020, released May 19, 2011, directed to EMT for Facility ID#s 5281 and 72391.

**The Bureau's Specific Objections and Response to Request No. 7.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 7 as burdensome to the extent it seeks information unrelated to the subject matter of the HDO or otherwise irrelevant to the designated issues in this proceeding. The Bureau objects to EMT's Request No. 7 to the extent it seeks an admission as to the genuineness of documents that are maintained as part of the Commission's public record. Subject to and without waiving these objections, the Bureau admits that the Enforcement Bureau's Notice of Apparent Liability for Forfeiture, File No. EB-10-KC-0020, released May 19, 2011, as published in the FCC Record, is subject to official notice. Subject to and without waiving these objections, the Bureau admits this Request.

**Request No. 8.** The document included at Attachment H is a true, complete and correct copy of the Enforcement Bureau's Notice of Apparent Liability for Forfeiture, File No. EB-10-CG-0080, released May 19, 2011, directed to EMT for Facility ID#s 72815 and 90598.

**The Bureau's Specific Objections and Response to Request No. 8.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 8 as burdensome to the extent it seeks information unrelated to the subject matter of the HDO or otherwise irrelevant to the designated issues in this proceeding. The Bureau objects to EMT's Request No. 8 to the extent it seeks an admission as to the genuineness of documents that are maintained as part of the Commission's public record. Subject to and without waiving these objections, the Bureau admits that the copy of the Enforcement Bureau's Notice of Apparent Liability for Forfeiture, File No. EB-10-CG-0080, released May 19, 2011, as published in the FCC Record, is subject to official notice. Subject to and without waiving these objections, the Bureau admits this Request.

**Request No. 9.** The document included at Attachment I is a true, complete and correct copy of the Request for Reduction of the Proposed Forfeiture filed by EMT on June 13, 2011, in reference to File No. EB-10-KC-0020 for Facility ID#s 5281 and 72391.

**The Bureau's Specific Objections and Response to Request No. 9.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 9 as burdensome to the extent it seeks information unrelated to the subject matter of the HDO or otherwise irrelevant to the designated issues in this proceeding. The Bureau objects to EMT's Request No. 9 as burdensome to the extent it requests the Bureau to admit to the genuineness of documents prepared and submitted to the Commission by EMT. Subject to and without waiving these objections, the Bureau responds that it has insufficient information to either admit or deny EMT's Request No. 9 and therefore denies this Request.



**Request No. 10.** The document included at Attachment J is a true, complete and correct copy of the Request for Reduction of the Proposed Forfeiture filed by EMT on June 13, 2011, in reference to File No. EB-10-CG-0080 for Facility ID#s 72815 and 90598.

**The Bureau's Specific Objections and Response to Request No. 10.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 10 as burdensome to the extent it seeks information unrelated to the subject matter of the HDO or otherwise irrelevant to the designated issues in this proceeding. The Bureau objects to EMT's Request No. 10 as burdensome to the extent it requests the Bureau to admit to the genuineness of documents prepared and submitted to the Commission by EMT. Subject to and without waiving these objections, the Bureau responds that it has insufficient information to either admit or deny EMT's Request No. 10 and therefore denies this Request.

**Request No. 11.** The documents included at Attachment K are true, complete and correct copies of email correspondence between Diane Law-Hsu, Esq. of the then South-Central Region of the Enforcement Bureau and Mr. Lepore on June 20-21, 2011, in connection with the Requests for Reduction of Forfeiture referenced in Paragraphs 9 and 10 above.

**The Bureau's Specific Objections and Response to Request No. 11.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 11 as vague and ambiguous because it is unclear whether EMT seeks an admission that the documents included as Attachment K constitute all of the email communications between Ms. Law-Hsu and Mr. Lepore, dated June 20-21, 2011, referring or relating to the Requests for Reduction of Forfeiture referenced in Paragraphs 9 and 10 above. The Bureau further objects to EMT's Request No. 11 as vague and ambiguous in its use of the word "in connection with." Subject to and without waiving these objections, the Bureau responds that Ms. Law-Hsu is no longer employed by the Commission. Subject to and without waiving these

objections, the Bureau further responds that it has insufficient information to either admit or deny EMT's Request No. 11 and therefore denies this Request.

**Request No. 12.** The documents included in Attachment L are true, complete and correct copies of documents furnished by EMT, through counsel, to Ms. Law-Hsu by mail on July 8, 2011, in connection with the Requests for Reduction of Forfeiture referenced in Paragraphs 9 and 10 above.

**The Bureau's Specific Objections and Response to Request No. 12.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 12 as vague and ambiguous because it is unclear whether EMT seeks an admission that the documents included as Attachment K constitute all of the documents supplied by EMT to Ms. Law-HSU on July 8, 2011 referring or relating to EMT's Requests for Reduction of Forfeiture. The Bureau objects to EMT's Request No. 12 as vague and ambiguous in its use of the word "in connection with." The Bureau objects to EMT's Request No. 12 as burdensome to the extent it seeks an admission from the Bureau as to the genuineness of documents prepared by and submitted to the Commission by EMT. Subject to and without waiving these objections, the Bureau responds that Diane Law-Hsu is no longer employed by the Commission. Subject to and without waiving these objections, the Bureau further responds that it has insufficient information to either admit or deny EMT's Request No. 12 and therefore denies this Request.

**Request No. 13.** The document included in Attachment M is a true, complete and correct copy of the Enforcement Bureau Forfeiture Order, released March 7, 2013 (DA 13-335) in reference to EB-10-KC-0020.

**The Bureau's Specific Objections and Response to Request No. 13.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 13 as burdensome to the extent it seeks information unrelated to the subject matter

of the HDO or otherwise irrelevant to the designated issues in this proceeding. The Bureau objects to EMT's Request No. 13 to the extent it seeks an admission as to the genuineness of documents that are maintained as part of the Commission's public record. Subject to and without waiving these objections, the Bureau admits that the Forfeiture Order released on March 7, 2014 (DA 13-355) by the Enforcement Bureau issuing a money forfeiture to Entertainment Media Trust, Dennis J. Watkins, Trustee for willful violation of sections 73.1350 and 73.3526 of the Rules and willful and repeated violation of section 73.1590 of the Rules, as published in the FCC Record, is subject to official notice. Subject to and without waiving these objections, the Bureau admits this Request.

**Request No. 14.** The document included in Attachment N is a true, complete and correct copy of the Enforcement Bureau Forfeiture Order released March 24, 2014 (DA 14-392) in reference to EB-10-CG-0080.

**The Bureau's Specific Objections and Response to Request No. 14.** The Bureau incorporates by reference each of its General Objections set forth above. The Bureau objects to EMT's Request No. 14 as burdensome to the extent it seeks information unrelated to the subject matter of the HDO or otherwise irrelevant to the designated issues in this proceeding. The Bureau objects to EMT's Request No. 14 as burdensome to the extent it seeks an admission as to the genuineness of documents that are maintained as part of the Commission's public record. Subject to and without waiving these objections, the Bureau admits that the Forfeiture Order released on March 24, 2014 (DA 14-392) by the Enforcement Bureau issuing a money forfeiture to Entertainment Media Trust, Dennis J. Watkins, Trustee for willfully violating section 73.3526 of the Rules, as published in the FCC Record, is subject to official notice. Subject to and without waiving these objections, the Bureau admits this Request.

Respectfully submitted,

Rosemary C. Harold  
Chief, Enforcement Bureau



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July 26, 2019

**CERTIFICATE OF SERVICES**

Pamela S. Kane certifies that she has on this 26th day of July, 2019, sent copies of the foregoing  
“ENFORCEMENT BUREAU’S OBJECTIONS AND RESPONSES TO EMT’S REQUEST  
FOR ADMISSIONS” via email to:


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